

AS

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/833,603	CHENG ET AL.	
	Examiner	Art Unit	
	Christina Johnson	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to papers filed 10/15/04 and the telephone interview of 12/20/04.
2.  The allowed claim(s) is/are 32-39, 42-44, 57-59 and 62-71.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 122004.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Howard Trofkin on December 20, 2004.

The application has been amended as follows:

Claim 32 (Amended):

A catalyst suitable for use in hydrocarbon feedstock cracking comprising particles consisting essentially of:

i) [greater than 70] at least 75 weight percent of zeolite selected from USY, REY, REUSY, CREY, CREUSY or mixtures thereof; and

ii) remainder substantially composed of an alumina sol;  
said catalyst is in the form of particulates having an average diameter of from about 50 to about 150 microns; has a kinetic conversion activity of at least about 3; and a Davison Attrition Index of less than about 20.

Claim 44, line 2, "70" has been changed to -- 75 --.

Claim 57 (Amended):

A catalyst composition useful in cracking of hydrocarbon feedstock comprising:

a) first particulate material composed of [greater than 70] at least 75 weight percent of zeolite selected from USY, REY, REUSY, CREY, CREUSY type zeolite or mixtures thereof; and the remainder substantially composed of an alumina sol; wherein said first particulate material has an average diameter of from about 50 to about 150 microns; has a kinetic conversion activity of at least about 3; and a Davison Attrition Index of less than about 20; and

b) second particulate material having a kinetic conversion activity of less than 3; said catalyst composition having a kinetic conversion activity of at least about 2 to about 3.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest a catalyst composition comprising particles consisting essentially of or composed of at least 75 weight percent of zeolite selected from USY, REY, REUSY, CREY, CREUSY, or mixtures thereof, with the remainder being an alumina sol, in combination with the other features instantly claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Johnson whose telephone number is (571) 272-1176. The examiner can normally be reached on Monday-Friday, 7:30-5, with Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Christina Johnson*  
Christina Johnson  
Patent Examiner  
Art Unit 1725  
*12/20/04*

CAJ  
December 20, 2004